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GM

SUBJECT: GERMANY/TIP - MINISTRIES WELCOME ACTION GUIDE
RECOMMENDATIONS, DESCRIBE CONTINUED PROGRESS IN 2007

REF: A. STATE 10279

[1](#)B. 07 BERLIN 2015

[1](#)C. 07 BERLIN 1190

[1](#)D. 07 BERLIN 390

[1](#)1. (SBU) SUMMARY: Government officials from key federal ministries welcomed the recommendations in G/TIP's "Action Guide to Combat Trafficking in Persons" for Germany. They highlighted a series of steps taken in 2007, including finalization of the second Federal Action Plan to Combat Violence against Women, new victim protection initiatives, public awareness and demand reduction campaigns, additional programs/training to identify victims, and ongoing efforts to train peacekeepers and police in advance of deployments abroad. Participants expressed interest in strengthening bilateral cooperation against trafficking, including exchanges of best practices on victim identification and labor trafficking, as well as increased information sharing on the structure and practices of criminal organizations engaged in human trafficking. END SUMMARY.

[1](#)2. (SBU) On February 25, the Embassy hosted a meeting of key Government personnel with day-to-day responsibility for combating TIP, including Axel Kuechle, MFA Deputy Director for International Organized Crime; Birgit Schweikert, Family Ministry Director for the Protection of Women from Violence; Tobias Wiemann, the Interior Ministry's TIP action officer; Perdita Kroeger, Justice Ministry Director for Criminal Law; and Ute Heinen, a Labor Ministry action officer for European social issues. Participants were provided in early February with a copy of G/TIP's "Action Guide to Combat Trafficking in Persons" (ref A) and the Trafficking Victims Protection Act (TVPA) Implementation Guidelines. This cable presents an overview of participants' reactions and comments on the Germany-specific recommendations presented in the Action Guide. Post's input for the 2008 TIP Report (septel) will provide additional detail on German actions in terms of compliance with TVPA Implementation Guidelines.

[1](#)3. (SBU) The Family Ministry's Schweikert, who coordinates the work of the Federal-State Interagency Working Group on Trafficking, began by describing the conclusions of a 2007 study on the effect of 2002 legislation on the legal status of prostitutes in Germany. The independent study concluded that the legislation did not negatively affect efforts to fight TIP and recommended further state action to help prostitutes get out of the commercial sex industry (ref D). Schweikert also shared copies of Germany's Second Federal Action Plan to Combat Violence against Women, a comprehensive

interagency strategy that contains over 130 new measures to prevent and protect women from a wide range of violence, including forced marriage, trafficking, and other forms of exploitation (ref B).

LEGAL FRAMEWORK AND PROSECUTION

¶4. (SBU) In line with the Action Guide's assessment, ministry representatives agreed that Germany has a strong legal framework in place to fight TIP. In response to concerns about the high number of suspended prison sentences, Kroeger stressed that it is standard German practice to automatically suspend prison sentences of one year or less for all crimes, not just TIP. While judges have slightly more discretion with sentences ranging from one to two years, the prevailing practice is to suspend such sentences in most cases. Kroeger noted that sentences of more than two years cannot be suspended.

¶5. (SBU) In response, emboff expressed concern that current TIP sentencing practices might not provide a sufficiently strong deterrent to dissuade potential traffickers. Kroeger said German judges have a long-standing preference for alternative sentencing, especially in cases involving first-time offenders, regardless of the crime committed. Kuechle said concerns about relatively light sentences handed down in recent terrorism and narcotics/weapons cases have prompted a debate within the German Government on sentencing practices. Wiemann quickly added that any change in sentencing practices would have to take place across the board, not just in cases involving human trafficking.

VICTIM PROTECTION AND ASSISTANCE

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¶6. (SBU) Schweikert expressed appreciation for the Action Guide's positive assessment of German efforts to provide assistance and protection to TIP victims. She offered one correction, noting that the number of counseling centers for TIP victims is larger than the number (25) indicated in the 2007 TIP Report. She stated that the Family Ministry fully funds the Association against Trafficking in Women and Violence against Women in the Migration Process (KOK), an umbrella organization of 38 specialized NGOs, most of which operate more than one counseling center for TIP victims. Most of the NGOs receive financial assistance from state/local governments.

¶7. (SBU) Regarding the Action Guide's recommendation that Germany amend its victim protection legislation to include psychological counseling and treatment for TIP victims, Schweikert noted that the Family Ministry and KOK have published a reference document for use by counseling centers that explains benefits available to trafficking victims, including psychological treatment, under the 2007 Victims Compensation Act. The brochure outlines the procedures for filing claims and makes recommendations to state and local authorities on how to improve provision of related benefits. Schweikert said KOK publishes a second brochure that explains the full range of benefits to which TIP victims are legally entitled.

PREVENTION

¶8. (SBU) Schweikert welcomed the Action Guide's assessment of public awareness and client education campaigns launched in conjunction with the 2006 Soccer World Cup. She noted that the Family Ministry, International Organization for Migration (IOM), and independent NGOs had concluded that the government-funded public awareness campaigns reached a wide spectrum of society, including potential clients of TIP victims. Schweikert added that federal and state governments have continued to fund many of the campaigns post-World Cup.

¶9. (SBU) Schweikert said the Family Ministry is working to

establish a national hotline to provide initial counseling and referrals for all types of violence against women, including trafficking. (NOTE: Based on the small number of TIP victims who used government-funded, NGO-operated hotlines established during the World Cup, the Family Ministry and NGOs concluded it did not make sense to establish a dedicated hotline for TIP victims. END NOTE.) The hotline's services will also be available to persons who have reason to believe they have come in contact with a victim of violence.

¶10. (SBU) Turning to the Action Guide's recommendation that Germany make additional efforts to identify TIP victims, Schweikert pointed out that new guidelines published by the Federal-State Interagency Working Group on Trafficking offer standardized modules for TIP-related training for police, counseling centers, prosecutors and judges and other authorities. The modules include training on victim identification techniques and best practices. Schweikert also noted that the new Action Plan suggests that states consider some of the proactive counseling approaches adopted in several German states (e.g., new "intervention agencies" in Mecklenburg-Pomerania and Lower Saxony and mobile counseling services in Berlin). The new programs actively reach out to at-risk women, including those working in the commercial sex industry.

¶11. (SBU) Schweikert said that Germany continues to support public awareness campaigns that address child sex tourism. Kuechle and Wiemann reported that German embassies and Federal Office of Criminal Investigation (BKA) liaison officers stationed abroad have continued efforts to strengthen legal cooperation and provision of legal assistance in countries of concern, most notably in South East Asia. Kuechle said German development assistance also includes programs to prevent child sex tourism.

PEACEKEEPING AND POLICE MISSIONS ABROAD

¶12. (SBU) Asked about German Government efforts to address trafficking and exploitation committed by multinational peacekeepers, Kroeger stated that Section 6 of the German Penal Code gives Germany's trafficking- and sexual assault-related statutes extraterritorial effect. Schweikert

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said Germany provides training for military personnel and police officers in advance of deployments abroad, including sessions focused on sexual exploitation/abuse and other human rights issues. Unit commanders receive special training on trafficking, including how to sensitize their subordinates and how to monitor and enforce compliance.

IMPROVING BILATERAL COOPERATION

¶13. (SBU) All participants expressed interest in strengthening bilateral cooperation in the international fight against TIP. Noting the success of a 2006 DOJ visit focused on the U.S. T-Visa, Schweikert suggested an exchange of best practices on victim identification techniques and efforts to fight labor trafficking would be useful for both countries. Wiemann expressed interest in more information sharing between German and U.S. law enforcement experts on the structure and practices of criminal organizations engaged in trafficking.

¶14. (SBU) Kuechle said the MFA and Justice Ministry are still interested in receiving information about U.S. efforts to educate and sensitize judges on TIP (see ref C). Kuechle also asked whether the USG had a position on Belarus' proposal for an UNGA special session on TIP. While Germany opposes the proposal, the MFA is interested in U.S. views on whether the UN might be able to play a larger role with respect to implementation and monitoring of commitments made by parties to the UN Convention on Transnational Organized Crime.

